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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,673	02/13/2002	Carol Caroselli	3818-011197	6087

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EXAMINER

SMITH, JAMES G

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/074,673	Applicant(s) CAROSELLI ET AL.	
	Examiner James G Smith	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5 and 7-10 have been considered but are moot in view of the new ground(s) of rejection.

2. The indicated allowability of claims 13-17 is withdrawn in view of the newly discovered reference(s) to Soucy (D255,774). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lo (5,594,419). Lo discloses a holder for an article having a base portion 10 with a flat bottom surface and a second upper surface. Hanger 15 is pivotally connected to base portion 10 rotating about a horizontal axis lying between the bottom surface and the second upper surface of the base portion as shown by the broken line with arrows in FIG. 1. Hanger 15 lies below the bottom surface of the base portion when the base portion is resting on a horizontal surface. With respect to Claim 2, FIG. 1 clearly shows the end of the hanger 15 rotatably connected to a pivot joint on the base portion. With respect to Claim 3, the pivot joint is along the outer edge of the base portion. With respect to Claim 7, the hanger is a C-shaped loop. With respect to Claim 9, the holder is structurally adapted to suspend an article selected from the group comprising a scarf and a glove.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (5,594,419) in view of Creed (5,094,417). Lo essentially teaches the invention of Claim 4, but fails to teach a pad positioned adjacent to the base portion. Creed discloses a support for a handbag that has a pad of anti-skid material under the base portion of the support. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pad on the bottom of the base portion of the device of Lo to prevent marring of the surface the device is attached to.

7. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (5,594,419) in view of Schwartz (D429,899). Lo essentially teaches the invention of the instant application, but fails to teach the base portion of the device being circular. Schwartz discloses a purse holder with a circular base. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the base of the device circular to make reading the clock on the base easier. With respect to Claim 8, Lo fails to provide a ball positioned at the free end of the C-shaped loop. However, Schwartz discloses a ball positioned on the free end of the hanger. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a ball shaped member on the end portion of the C-shaped loop portion of Lo to make the device more user friendly and less likely to puncture or abrade items placed on the loop.

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8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (5,594,419) in view of Davis (2,532,255). Lo essentially teaches the invention claimed, but fails to teach the base portion of the device being made of metal. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use metal to make the base portion of Lo to increase the weight of the device to more securely contact the surface of a table or counter.

9. Claims 6, 13, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (5,594,419) in view of Soucy (D255,774). With respect to Claims 6, 13, and 18, Lo essentially teaches the invention claimed, but fails to teach a substantially closed O-shaped loop at the end of the hanger. However, Soucy discloses a device with a substantially closed O-shaped loop at the end of the hanger. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a substantially closed O-shaped loop at the end of the hanger to more securely suspend an article. With respect to Claim 16, the hanger is pivotally connected to the base.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (5,594,419) in view of Soucy (D255,774) as applied to claim 13 above, and further in view of Creed (5,094,417). Lo in view of Soucy essentially teaches the invention claimed, but fails to teach a pad positioned adjacent to the base portion. Creed discloses a support for a handbag that has a pad of anti-skid material under the base portion of the support. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pad on the bottom of the base portion of the device of Lo to prevent marring of the surface the device is attached to.

Allowable Subject Matter

11. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 703-605-4225. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS
8/26/2004


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